

2. The Examiner states that certain documents cited in the IDS filed on April 1, 2002 are not written in English, and are therefore being considered only to the extent that could be understood from the Abstract and drawings. The only foreign language reference cited in the IDS is EP254980. A search through the EPO's database shows U.S. Patent No. 4,841,180 as a related patent. Therefore, a Second Supplemental IDS, citing this U.S. reference, is being filed concurrently herewith. Entry of the IDS is respectfully requested.

3. The Examiner asserts that the present Application was filed without the required offer to surrender the original patent. Applicants respectfully note that, as stated in paragraph 1 above, the present Application is a Continuation of a reissued patent RE37641. The original patent (U.S. 5,414,662) was surrendered during prosecution of that application.

4. Although Applicants are not aware of any requirement for a complete Abstract separate from the front page of the patent, a new page 14 is added which contains just the Abstract itself, per the Examiner's request. The Abstract is identical to that of U.S. Patent No. 5,414,662.

5. Claim 25, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for depending from canceled claim 7, has been amended to depend from claim 24. Support for claim 25 as amended can be found at column 6, lines 22-31 of the original patent. In view of this amendment, withdrawal of this rejection is respectfully requested.

6. The Examiner has stated that the Declaration filed on May 20, 2002 is defective for two reasons, discussed below.

6a. First, the Examiner asserts that the Declaration must state whether the inventor is a sole or joint inventor of the claimed invention as required by 37 CFR 1.63(a)(4).

However, Applicants respectfully point out that 37 CFR 1.63(a)(4) no longer makes such a requirement, but rather requires that the Declaration "[s]tate that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or

inventors of the subject matter which is claimed and for which patent is sought." 37 CFR 1.63(a)(4).

Paragraph 2 of Applicants' Declaration filed on May 20, 2002 meets this requirement.

6b. Second, the Examiner states that the Declaration must identify any foreign applications on which foreign priority is being claimed.

However, foreign priority is not being claimed.

7. The Examiner has rejected claims 18-25 as being based upon a defective reissue Declaration under 35 U.S.C. 251 as set forth in sections 6a and 6b of the Office Action.

However, for the reasons given above in the corresponding sections 6a and 6b, Applicants do not believe that the Declaration is defective and respectfully request the reconsideration and withdrawal of the rejection of claims 18-25 (as amended) in favor of allowance.

CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims, *i.e.*, claims 18-25, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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